



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

IM31/0805

OSBORNE K MCKINNEY  
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| APPLICATION NO.       | FILING DATE          | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED   |
|-----------------------|----------------------|--------------|-----------------------------|---------------|
| 08/834,050            | 04/11/97             | 013          | WU. D                       | 1713 08/05/98 |
| First Named Applicant | CHUM, PAK-WING STEVE |              |                             |               |

TITLE OF INVENTION ETHYLENE POLYMER FILM MADE FROM ETHYLENE POLYMER BLENDS (AS AMENDED)

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEES DUE  | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 1 40121BL         | 525-240.000    | H49       | UTILITY     | NO           | \$1320.00 | 11/05/98 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

***IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.***

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Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

08/834,050 04/11/97 CHUM

P 40121BL

IM31/0805

EXAMINER

OSBORNE K MCKINNEY  
2301 BRAZOSPORT BLVD B1211  
FREEPORT TX 77541

WU.D

ART UNIT

PAPER NUMBER

1713

9

DATE MAILED:

08/05/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

|                               |                                      |                                    |
|-------------------------------|--------------------------------------|------------------------------------|
| <b>Notice of Allowability</b> | Application No.<br><b>08/834,050</b> | Applicant(s)<br><b>Chem et al.</b> |
|                               | Examiner<br><b>David Wu</b>          | Group Art Unit<br><b>1713</b>      |

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to May 21, 1998

The allowed claim(s) is/are 9, 10, 12-14, and 24-31

The drawings filed on \_\_\_\_\_ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 & 7

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

DAVID WU  
PRIMARY EXAMINER  
ART UNIT 1713

Art Unit: 1713

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

Cancel claims 15-16.

3. The following is an examiner's statement of reasons for allowance:

Claims 9-10, 12-14, and 24-31 are allowed because no prior art which anticipates or suggests fairly the instant claims has been located as of the date of this action.

Lai reference (U.S. Patent No. 5,408,004) which was thought to be the closest prior art discloses polyolefin blends comprising at least 10 percent, preferably at least 30 percent of at least one linear or substantially linear homogeneously branched polyethylene, such as one of a Tafmer TM, Exact TM or Insite TM (defined in column 3, lines 43-56), and the remainder of the blend comprises one or more heterogeneously branched polyethylene (defined in column 3, lines 3-14). In working examples 1-2, the polymer blend sample E-1 is prepared from a 50/50 of CGC resin (Sample C-1) and HDPE resin (Sample C-2),

Art Unit: 1713

sample E-2 is also prepared from a 50/50 of CGC resin (Sample C-6) and HDPE resin (Sample C-7). Although Lai fails to disclose the property such as the slope of strain hardening coefficient of the substantially linear homogeneously branched polyethylene, in view of the same type of the polymer and made by the same technology taught by Lai reference and the instant disclosure, the Examiner has a reasonable basis to believe that Lai's substantially linear homogeneously branched polyethylene possesses substantially the same value of the slope of strain hardening coefficient. However, in view of Paper No. 7, the present application is entitled to the benefit of the filing date of its parent application 08/054,379, i.e., April 28, 1993, the Lai patent (U.S. 5,408,004, filed on August 17, 1993) is no longer a proper reference against the present invention.

Hodgson et al. (U.S. Patent No. 5,376,439) discloses a film comprising a mixture of (a) about 30 to 90% by weight of a copolymer of ethylene and a C<sub>4</sub> to C<sub>20</sub> α-olefin comonomer having a single melting point, a density of from about 0.88 g/cm<sup>3</sup> to about 0.91 g/cm<sup>3</sup>, a melt index of 0.5 to 7.5 dg/min., a molecular weight distribution less than 3.0 and a CBDI greater than 70%; and (b) a low density ethylene polymer having a density in the range of from about 0.91 to about 0.935 g/cm<sup>3</sup>. See patented claims. Hodgson actually discloses blending with high pressure, highly branched ethylene polymers and does not disclose claimed

Art Unit: 1713

component (B), i.e., at least one heterogeneously branched linear ethylene polymer having a density of about 0.93 to about 0.965 g/cm<sup>3</sup>. It would not have been obvious to one of ordinary skill in the art to modify the Hodgson reference to arrive at the instant claims because Hodgson fails to suggest or teach to do so.

The double patenting rejection over U.S. Patent No. 5,677,383 has been removed because claims 9-10, 12-16, and 24-31 and claims 17-23 are patentably distinct as shown in the restriction requirement and election made during the prosecution of 08/054,379. Further, claims 17-23 has been deleted.

Therefore, claims 9-10, 12-14, and 24-31 are allowable over Hodgson.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Wu whose telephone number is (703) 308-2450.

DWW  
July 31, 1998

*David Wu*  
**DAVID W. WU**  
**PRIMARY EXAMINER**  
**GROUP 1500**